

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

MARCUS GILLIAM, et. al.,

Plaintiffs, **NOTICE OF MOTION**

-against-

THE CITY OF NEW YORK, et. al.,

21 CV 5263 (RA)

Defendants.

-----X

PLEASE TAKE NOTICE that that upon defendants City of New York, P.O. Precious Cummings, Genesis Nova Diaz and P.O. Edwin Reyes Estrada's Memorandum of Law dated March 18, 2022; and upon all prior pleadings and proceedings had herein, defendants City of New York, P.O. Precious Cummings, Genesis Nova Diaz and P.O. Edwin Reyes Estrada, will move this Court, before the Hon. Ronnie Abrams, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, New York, New York 10007, at a date and time to be determined, pursuant to Rule 12(b)(6), Fed. R. Civ. P., or in the alternative pursuant to Rule 12(c), Fed. R. Civ. P., for 1) the dismissal of all of plaintiffs' claims in the Second Amended Complaint against P.O. Precious Cummings, Genesis Nova Diaz and P.O. Edwin Reyes Estrada with prejudice; 2) the dismissal of plaintiff Marcus Gilliam's third cause of action for state law false arrest against the City of New York (limited to liability premised on acts of P.O. Precious Cummings, Genesis Nova Diaz and P.O. Edwin Reyes Estrada) with prejudice; and 3) for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, plaintiffs are to serve their opposition papers on the undersigned on or before April 1, 2022; and

PLEASE TAKE FURTHER NOTICE that the moving defendants are to serve their reply papers on or before April 8, 2022.

Dated: New York, New York
March 18, 2022

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
Attorney for Defendants City of New York, P.O.
Precious Cummings, Genesis Nova Diaz and P.O.
Edwin Reyes Estrada
100 Church Street, Room 3-133b
New York, New York 10007
(212) 356-3519

By: /s/ Mark D. Zuckerman
Mark D. Zuckerman
Senior Counsel